

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.
Commissioner of Education
P.O. Box 94933
Lincoln, NE 68509-4933,

Petitioner,

v.

Ben Veilleux
1465 Bonanza Street
Gering, NE 69341,

Respondent.

NDE Case No. 22-10

FINAL ORDER

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on May 31, 2022, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public Nebraska Standard teaching certificate of the Respondent, Ben Veilleux, be revoked for a period of two years. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Juan Román, General Counsel, on behalf of the Commissioner of Education. NPPC Clerk Kelly Muthersbaugh appeared and provided a summary of the NPPC's recommendation in this matter. The Respondent appeared with legal counsel, Nicholas Welding.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt were received into

evidence as “Exhibit 2.” Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866(2) (2014).

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, P.O. Box 94933, Lincoln, NE 68509-4933.

3. The Respondent is Ben Veilleux, 1465 Bonanza Street, Gering, NE 69341.

4. The Respondent holds a public Nebraska Standard teaching certificate number 2017001378, endorsed in Music PK-12, with an expiration date of August 31, 2022.

5. The Respondent was employed as the 9-12 Director of Bands by Gering Public Schools (“Gering”) beginning with the 2018-2019 school year.

6. On or about September 8, 2020, Gering administration was alerted to inappropriate comments made by Respondent to a female student on YOLO (anonymous messages via a Snapchat app). The comments were made over an approximately two-month period and included the following: “I still want you bad even though I can’t have you”; “You’re seriously so beautiful, I wish I could tell you who I am”; and “I want to kiss you bad rn [right now].”

7. During a meeting with the district’s Title IX coordinator on September 10, 2020, Respondent admitted to sending the messages.

8. The Gering Police Department conducted a criminal investigation and determined that the Respondent’s actions did not constitute a crime. However,

Respondent was found in violation of several school policies following the completion of a Title IX investigation.

9. On or about September 11, 2020, the Gering superintendent provided written notification to the Respondent of possible contract cancellation based on the allegations of misconduct. The Respondent entered into a Resignation Agreement, which was approved by the Gering School Board on January 18, 2021.

10. Based upon the factual allegations contained in the preceding paragraphs of the Petition, the Respondent violated Neb. Rev. Stat. § 79-866(2) (2014), which states, in part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board."; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02E (effective date: November 12, 2003) ("the educator: Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"); Section 004.02F (same effective date) ("the educator: Shall not sexually harass students, parents or school patrons, employees, or board members"); Section 004.03C (same effective date) ("the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 004.03D (same effective date) ("the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"); Section 005.02B2 (same effective date) ("Each teacher . . . shall: Adhere to and enforce written

and dated administrative policy of the school which has been communicated to the teacher or special services provider"); Section 005.04A1 (same effective date) ("Each educator shall: Create an atmosphere which fosters interest and enthusiasm for learning and teaching"); Section 005.06D (same effective date) ("The educator shall: Develop and maintain positive standards of conduct"); Section 005.09C (same effective date) ("Educators . . . Shall not show disrespect for or lack of acceptance of others"); Section 005.09D (same effective date) ("Educators . . . : Shall provide leadership and direction for others by appropriate example"); and Section 005.10C (same effective date) ("each educator . . . shall: Appropriately control his or her emotions").

11. The NPPC has recommended a two-year revocation of Respondent's teaching certificate. However, the State Board believes that this sanction is insufficient in light of the inappropriateness of Respondent's comments made to the student, which were without question sexual in nature. The State Board further notes that Respondent's posting on the student's social media account was not a singular event; Respondent continued to post inappropriate comments for approximately two months.

12. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to revoke the Respondent's teaching certificate for a period of three years.

13. Therefore, the public Nebraska Standard teaching certificate of Ben Veilleux, certificate number 2017001378, endorsed in Music PK-12, with an expiration date of August 31, 2022, shall be revoked for a period of three years from and after the date of this order.

Dated this 31st day of May, 2022.

STATE BOARD OF EDUCATION

Patricia A. Koch Johns

BY: _____
Patsy Koch Johns, President

The vote by the State Board of Education to approve the Final Order in Case No. 22-10, on May 31, 2022, was 5 in favor, 2 against, _____ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: L. FRICKE, P. GUBBELS, D. NEARY, P. KOCH JOHNS, R. STEVENS

AGAINST: K. PENNER, M. NICKELS

ABSTAINING: _____

ABSENT: J. MORRISON

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon counsel for the Respondent, Nicholas Welding, Norby & Welding LLP, 605 South 14th Street, Suite 220, Lincoln, NE 68508, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Juan Román, General Counsel, Nebraska Department of Education, 500 S. 84th Street, 2nd Floor, Lincoln, NE 68510-2611, via interoffice mail, all on this 3rd day of June, 2022.

A handwritten signature in blue ink, reading "Brenda L. Wid", written over a horizontal line.

49-2938-30